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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|------------------------------|------------------|
| 10/772,271 | 02/06/2004 | Takayuki Asahara | US-107 | 4145 |
| 38108 7590 03/29/2007 CERMAK & KENEALY LLP ACS LLC 515 EAST BRADDOCK ROAD SUITE B ALEXANDRIA, VA 22314 | | | EXAMINER GANGLER, BRIAN J | |
| | | | ART UNIT 1645 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE 30 DAYS | | MAIL DATE 03/29/2007 | DELIVERY MODE PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT

PAPER

20070322

DATE MAILED:

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Commissioner for Patents

NOTICE OF A NON-RESPONSIVE AMENDMENT

The reply filed on 1/8/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claims, as originally filed, were drawn to a methanol-utilizing bacterium that contains a gene with the sequence of SEQ ID NO:1. The amended claims are drawn to a methanol-utilizing bacterium that have a disrupted and non-functional version of a gene with the sequence of SEQ ID NO:1. The invention of the amended claims is independent from the originally elected invention because these bacteria are unconnected in design, operation, and effect. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, the amended claims would all be withdrawn from consideration as being directed to a non-elected invention, leaving no active claims. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**ROBERT A. ZEMAN
PRIMARY EXAMINER**